

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DON'S FRYE, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

L'OREAL SA, FRANCE, a French
Corporation, and L'OREAL USA, INC., a
New York corporation,

Defendants.

Court No.: 08 C 213

Judge Gettleman
Magistrate Judge Denlow

DEFENDANT'S MOTION FOR LEAVE TO FILE A BRIEF EXCEEDING 15 PAGES

Defendant L'Oreal USA, Inc., through its counsel, respectfully requests leave to submit a brief in support of its 12(b)(6) motion that exceeds 15 pages. In support of its motion, it states as follows:

1. This action is a putative nationwide class action, which seeks an award of medical monitoring expenses and a refund of monies spent for the purchase of lipstick that allegedly contained concentrations of lead.

2. L'Oreal USA, Inc. ("L'Oreal") will be responding to the complaint on or before May 16, 2008, by a motion pursuant to Rule 12(b)(6).

3. Although L'Oreal has not completed its moving papers, it anticipates that the memo of law in support of its motion will likely exceed 15 pages, but will also be less than 20 pages.

4. L'Oreal requests that it be given leave to submit a brief of up to 20 pages. The Plaintiff's complaint contains seven separate counts, and L'Oreal respectfully submits that it needs up to an additional five pages in order to address all issues in meaningful detail. It does not make this request in order to burden the Court or opposing counsel.

5. L'Oreal's counsel has inquired of Plaintiff whether the Plaintiff will object to this motion, but has not heard back.

WHEREFORE, for the above stated reasons, L'Oreal respectfully requests that it be granted leave to file a brief in support of its 12(b)(6) motion of up to 20 pages.

Respectfully Submitted,

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: s/ C. Kinnier Lastimoso
One of the Attorneys for Defendant L'Oreal USA, Inc.

Anthony J. Anscombe ARDC# 6257352
C. Kinnier Lastimoso ARDC# 6277860
SEDGWICK, DETERT, MORAN & ARNOLD LLP
One N. Wacker Drive, Suite 4200
Chicago, IL 60606
Telephone: (312) 641-9050
Facsimile: (312) 641-9530